

REMARKS

These remarks are in response to the Office Action mailed November 1, 2005. Claims 2-4, 8-9 and 11 have been canceled without prejudice to Applicants' right to prosecute the canceled subject matter in any divisional, continuation, continuation-in-part or other application. Claim 1 has been amended to correct antecedent basis. No new matter is believed to have been introduced.

I. REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claim 1, 5-7, 10 and 12 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action alleges that the phrase "at least one growth factor comprises glial cell- line derived neurotrophic factor (GDNF)" reads improperly. Furthermore, the Office Action alleges that the term "the matrix" in claim 7 lacks proper antecedent basis. Applicants respectfully traverse this rejection with respect to the amended claims.

Claim 1 has been amended to correct the phrase recited by the Office Action. Claim 7 has been amended to correct the antecedent basis of this term. Applicants believe that the foregoing amendments and remarks overcome this rejection. Accordingly, Applicants respectfully request withdrawal of the rejection.

II. REJECTION UNDER 35 U.S.C. §102

Claims 1, 5-7 and 12 stand rejected under 35 U.S.C. §102(a) as allegedly anticipated by Qiao et al. (Proc. Natl. Acad. Sci USA, 96:7330-7335, 1999).

Applicants respectfully traverse this rejection.

Submitted herewith is a Petition to Correct Inventorship to add Hiroyuki Sakurai as an inventor to the above-identified application. Upon entry of the Petition to Correct Inventorship the above-identified application will name Sanjay K. Nigam, Jizeng Qiao and Hiroyuki Sakurai as inventors. The reference cited under this rejection names the same three individuals. Thus the cited reference under §102(a) is not a reference "by another". Accordingly, the rejection may be properly withdrawn.

III. OBVIOUSNESS TYPE DOUBLE PATENTING

Claim 1 and 12 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 26, 29, and 38 in copending application no. 10/608,783. Applicants respectfully traverse this rejection.

Applicants submit the claims 1 and 12 are not obvious over the co-pending office action. Applicants respectfully request that this rejection be withdrawn until

such time as allowable subject matter is identified in both applications. Accordingly,
Applicants respectfully request withdrawal of the rejection.

Respectfully submitted,

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